

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DANIEL D'ANGELO, on behalf of himself, FLSA
Collective Plaintiffs and the Class,

Plaintiff,

v.

HUNTER BUSINESS SCHOOL, INC., and
JAY FUND,

Defendants.

Index No.: 2:21-cv-03334-GRB-JMW

STIPULATED REQUEST TO STAY PROCEEDINGS

Plaintiff Daniel D'Angelo ("Plaintiff") and Defendants Hunter Business School, Inc. and Jay Fund ("Defendants") propose the following Stipulation and Order staying proceedings for 120 days. In support, the parties state as follows:

WHEREAS, on June 14, 2021, Plaintiff filed a class and collective action complaint on behalf of himself and certain employees claimed to be similarly situated, alleging that Defendants violated the Fair Labor Standards Act (the "FLSA") and the New York Labor Law (the "NYLL") by failing to pay overtime wages for all overtime hours worked, and failing to provide proper wage statements and wage and hour notices as required by the NYLL (the "Complaint") (ECF No. 1);

WHEREAS, Defendants filed an Answer to the Complaint on July 23, 2021 (ECF No. 11);

WHEREAS, Plaintiff served Defendants with a Motion for Conditional Collective Certification on September 24, 2021;

WHEREAS, on October 22, 2021, counsel for Defendants submitted a letter motion jointly with counsel for Plaintiff requesting an adjournment of the status conference previously scheduled for October 26, 2021, and a 30-day extension of all pending deadlines under the initial briefing schedule (ECF. No. 15) and Scheduling Order (ECF No. 14);

WHEREAS, on October 25, 2021, the Court granted the parties' joint motion to adjourn the conference and to extend the deadlines as follows: (1) Defendants shall serve their Opposition to Plaintiff's Motion for Conditional Certification of Collective on or before November 24, 2021; (2) the parties shall file a Joint Status Report regarding resolution of this matter on or before December 3, 2021; (3) Plaintiff shall serve his Reply in Further Support of Motion for Conditional Certification of Collective on or before December 8, 2021, at which point all motion papers shall be bundle filed with the Court; and (4) to the extent necessary, Plaintiff shall provide the Defendants with a copy of any expert report on which the Plaintiff intends to rely on or before January 4, 2022;

WHEREAS, taking into account the burdens and expense of protracted litigation, including the risks and uncertainties associated with class action litigation, protracted trials and appeals, the parties have decided to engage in settlement discussions to determine whether a speedy and efficient resolution to this case may be achieved;

WHEREAS, the parties have agreed to hire a private mediator to assist them in their efforts to resolve this matter, and to attend private mediation;

WHEREAS, the parties obtained the private mediator's availability and conferred with each other and have scheduled private mediation to take place on March 3, 2022;

WHEREAS, the parties seek an entry of an Order staying these proceedings and all aspects of this case to enable the parties to preserve resources and focus their efforts on resolution of this matter;

WHEREAS, the parties further agree that if they are unable to resolve this matter during the requested 120-day stay, the parties will complete motion practice promptly, according to the schedule set forth below;

NOW THEREFORE, the parties hereby **STIPULATE** and **AGREE** as follow:

(1) These proceedings and all aspects of this case are hereby stayed for one 120 days through and including March 22, 2022;

(2) If the parties are unable to resolve this matter during the requested 120-day stay, Defendants will serve their Opposition to Plaintiff's Motion for Conditional Certification of Collective on or before April 21, 2022; the parties will file a Joint Status Report regarding resolution of this matter on or before May 2, 2022; Plaintiff will serve his Reply in Further Support of Motion for Conditional Certification of Collective on or before May 7, 2022, at which point all motion papers shall be bundle filed with the Court; and to the extent necessary, Plaintiff will provide the Defendants with a copy of any expert report on which the Plaintiff intends to rely on or before June 3, 2022.

IT IS SO STIPULATED AND ORDERED.



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SO ORDERED:

Honorable James M. Wick, U.S.M.J.
United States Magistrate Judge